

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 24, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Vogel (Miriam A.), J., Rothschild, J., Neidorf, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Mallano, P.J., announces the retirement of Associate Justice Miriam A. Vogel and the pro-tem assignment of Hon. Richard P. Neidorf, Retired Judge of Superior Court of Los Angeles to Division One.

Each of the following:

B196500 People v. Michael H.
B197757 People v. Siguenza
B197785 People v. Juarez
B198165 People v. Perez
B199062 People v. Day
B199275 People v. Jacquicees F.
B200024 People v. Weeks
B201622 People v. Freddy F.
B202949 People v. Yong
B203186 People v. Gonzalez
B203283 People v. Alejandro G.
B199326 DCFS v. Jose E./Angelica R.
B200130 DCFS v. Robert S.
B201614 DCFS v. Yigal W.
B204266 DCFS v. Meta M.
B207004 Tonci R. v. SCLA, (DCFS, rpi)
B207060 Elma C. v. SCLA, (DCFS, rpi)
B207239 Anthony R., v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (continued)

B197695 People v. Garcia

Matter continued to July 23, 2008.

B197569 Executive Trustee Services v. Opri

Matter taken off calendar.

Each of the following:

B198018 Meyers v. Conhead Investments et al.

B195899 Bush v. Vernon Convalescent Hospital Inc.

Matters dismissed.

Rothschild, J., leaves the bench.

B194745 Felipe T. Perez et al.
v.
Roberto Lomeli et al.

Merits:

Argued by J. Arthur Bernal for appellants and by Donna Bader for respondent Cause submitted.

Rothschild, J., returns to the bench.

B196892 People
v.
Melgar et al.

Merits:

Argued by Lise Breakey for appellant Melgar, argument waived by attorney David Thompson for appellant Beltran, and by David Glassman, Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

B202516 In re Edward James Willard on Habeas Corpus

OSC:

Argued by Amanda Lloyd, Deputy Attorney General for respondent and argument waived by Melanie Dorian for petitioner. Cause submitted.

Vogel, J., leaves the bench.

B194273 People
 v.
 Sir Adrian Roberts

Merits:

Argued by Franklin Ferguson for appellant and argument waived by Ryan M. Smith, Deputy Attorney General for respondent. Cause submitted.

B194999 REX Lubrificantes LTDA, et al.
 v.
 Wynn Oil Company

Merits:

Argued by Zachary E. Rothenberg for appellants and by James F. McShane for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (continued)

B197281 Parvizian (Not for Publication)
v.
Parvizian

The orders are affirmed. Malak Parvizian is awarded her costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B207060 Elma C. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Mallano, P.J.
 Rothschild, J.

B198610 Los Angeles County, D.C.S.
v.
Joseph T., Sr.

Filed order denying petition for rehearing. Mallano, P.J. would grant rehearing.

DIVISION TWO

[illegible]

The Court:

The order under review is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B196419 People (Not for Publication)
v.
Aguirre

The abstract of judgment is ordered corrected at part 2 to delete references that appellant received a sentence of 15 years to life for counts 2 and 3 pursuant to section 186.22, subdivision (b)(5) and to reflect that appellant received 280 days of actual custody credit rather than 274 days. The judgment is affirmed.

Doi Todd, J.

We concur Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B203244 People
v.
Sharp

(Not for Publication)

The order revoking probation and executing judgment is modified by vacating the trial court's order for a \$4,000 section 1202.4, subdivision (b), restitution fine and a \$4,000 section 1202.45 parole revocation restitution fine. In lieu thereof, the order is modified to provide that appellant is required to pay a \$2,000 section 1202.4, subdivision (b), restitution fine and a \$2,000 section 1202.45 parole revocation restitution fine, the latter of which is imposed and stayed on condition that appellant successfully completes parole. The judgment is also modified by vacating the terms imposed for the section 667.5, subdivision (b), prison term enhancements and striking the findings of prior prison term enhancements. As modified, the judgment and the order revoking probation and executing judgment are affirmed. The clerk of the superior court shall amend the pertinent minute order and prepare a new abstract of judgment reflecting the above modifications in the order revoking probation and in the judgment. The clerk shall then send the amended abstract of judgment to the California Department of Corrections and Rehabilitation.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B198452 Kinney
v.
County

(Not for Publication)

The order denying the petition for leave to present a late claim is affirmed. The County is awarded its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (continued)

B200261 People (Not for Publication)

v.
Miles

The order requiring appellant to pay a \$20 court security fee pursuant to section 1465.8 is vacated. The judgment is modified to provide for that appellant is required to pay three \$20 court security fees, or \$60 pursuant to section 1465.8. As modified, the judgment is affirmed. On remand, the trial court is ordered to cause its clerk to prepare an amended abstract of judgment reflecting the modification in the judgment. The amended abstract of judgment is to be sent to the California Department of Corrections and Rehabilitation.

Doi Todd, J.

We concur: Boren, P.J.
Chavez, J.

B199745 People (Not for Publication)

v.
Stephen H.

The wards hip order is affirmed. This matter is remanded to the juvenile court with directions to correct the adjudication/disposition hearing minute order to provide in condition No. 15 that appellant “not associate with anyone that you know is disapproved of by your parents, guardians or probation officer,” in condition No. 21 that appellant “stay away from places where you know [narcotics] users congregate,” and to strike condition No. 16.

Doi Todd, J.

We concur: Boren, P.J.
Chavez, J.

June 24, 2008 (Continued)

DIVISION TWO (continued)

B207210 Sara S (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 8.264(B)(3), this opinion is made final forthwith.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

B199077 People (Not for Publication)

v.

Graham Scott Griffin

The order modifying appellant's probation is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B197931 People (Not for Publication)

v.

Michael Anthony Stewart

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

June 24, 2008 (Continued)

DIVISION FOUR

B199166 People (Not for Publication)

V.
Doung

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B203900 Los Angeles County, D.C.S. (Not for Publication)

v.
Daryll D.
In re Dayondra D., a minor

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B201965 People (Not for Publication)

V.
James Curtis Riley

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

June 24, 2008 (Continued)

DIVISION FIVE (continued)

B198595 People (Not for Publication)
v.
Timothy J.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B199688 People (Not for Publication)
v.
Alford

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (continued)

B200170 St. Clair, et al. (Not for Publication)

v.

C & D Towing et al.

The trial court's order modifying the judgment to add \$46,634.05 for reimbursement of expert witness fees as costs is reversed. The judgment is modified to delete such amount. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

DIVISION EIGHT

B203159 People (Not for Publication)

v.

Jimenez

The judgment is affirmed.

Bigelow, J.

We concur: Cooper, P.J.
 Flier, J.

B197959 Alan Wayne (Not for Publication)

v.

DHL Worldwide Express, Inc.,

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

I concur: Egerton, J.(Assigned)

I dissent: Rubin, Acting P.J. (Opinion)

DIVISION EIGHT (continued)

B197195 Jones (Not for Publication)
v.
Social Vocational Services, Inc.,

The order granting summary adjudication of Jones's first, second, and third causes of action for disability discrimination, failure to accommodate in violation of FEHA, and violation of the CFRA are reversed. The order granting summary adjudication on the fourth and fifth causes of action for breach of an implied or oral contract is affirmed. The parties shall bear their own costs on appeal.²

Egerton, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B197106 Yang et al., (Not for Publication)
v.
Wang et al.,

The judgment is reversed and remanded with directions to enter a new and different judgment for the defendants in the principal action, and the cross-defendants in the broker's cross-action and in Wang's cross-action. The parties are to bear their own costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Egerton, J. (Assigned)